

[COUNSEL LISTED ON NEXT PAGE]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

SEAN GUESS, on behalf of himself and all
others similarly situated,

Plaintiff,

vs.

US BANCORP; US BANCORP
INVESTMENTS; U.S. BANK N.A.; U.S.
BANK d/b/a U.S. BANK HOME
MORTGAGE; and DOES 1-50,

Defendants.

Case No. C06-07535 – JF

The Honorable Jeremy Fogel

**STIPULATION AND [PROPOSED]
ORDER**

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- and-

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Attorneys for Defendants

*US BANCORP, US BANCORP
INVESTMENTS, U.S. BANK N.A., U.S. BANK*

1 WHEREAS by Order of the Court dated September 4, 2008, Plaintiff's motion for class
2 certification pursuant to FED. R. CIV. P. 23 is currently due on or before October 2, 2008;

3 WHEREAS the parties require additional time to conduct the depositions of the plaintiff and
4 an additional corporate designee; and

5 WHEREAS the parties agree that Plaintiff may have an additional twenty-eight (28) days to
6 submit his motion for class certification pursuant to FED. R. CIV. P. 23;

7 The parties hereby STIPULATE and agree as follows:

8 Plaintiff will file his motion for class certification pursuant to Fed. R. Civ. P. 23 no later than
9 October 30, 2008;

10 Defendants will have forty-five (45) days to file an opposition;

11 Plaintiff will have thirty (30) days to file his reply.
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16 DATED: October 1, 2008

**SCHIFFRIN BARROWAY TOPAZ
& KESSLER, LLP**

17
18 By: /s/ Katherine B. Bornstein
19 Katherine B. Bornstein
20 Alan R. Plutzik
21 L. Timothy Fisher
22 Joseph H. Meltzer
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24 Robert J. Gray

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By: /s/ Joan B. Tucker Fife
Joan B. Tucker Fife

Attorneys for Defendants
US BANCORP, US BANCORP
INVESTMENTS, U.S. BANK N.A., U.S. BANK

SO ORDERED, this 2nd day of October, 2008.



Jeremy Fogel, U.S.D.J

